

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Work Session at 5:30 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 14th day of May, 2013 with the following members present:

Jim Griffin
Michael Boyter
Jim Davisson
Patricia Nolan
Sherri Olsen
Roy W. Turner

Mayor
Council Members

constituting a quorum.

Councilmember Brown was absent from tonight's meeting.

Staff present included:

Beverly Griffith
David Miller
Stan Lowry
Michael Wells
Cliff Blackwell
Roger Gibson
Tom Hoover
Mirenda McQuagge-Walden
Maria Redburn
Bill Syblon

City Manager
Deputy City Manager
City Attorney
City Secretary
Administrative Services Director
Police Chief
Public Works Director
Managing Director of Community Services
Library Manager
Development Director

WORK SESSION

Mayor Griffin called the Work Session to order 5:30 p.m.

- **Review and discuss items on the regular agenda and consider placing items for approval by consent.**

Council discussed placing the following items on consent: 4, 7, 8, 10, 11, 12 and 13.

Managing Director of Community Services Mirenda McQuagge-Walden presented information regarding Item #7. This is for an ordinance to amend Chapter 86, Parks and Recreation of the Code of Ordinances, to allow for off leash use to make way for the new dog park. Since the Chapter had not been amended since 1990, there were further changes to address formatting issues and inconsistencies. These changes include: removing language regarding the prohibition of carrying firearms as it is preempted by State law; including the ability to have signs for regularly scheduled events without having to go to the Board; and removing inconsistencies with the operational hours of the parks, which also does not match current signage. In regards to the hours, parks would be open from 5:00 a.m. and 11:00 p.m.; however, certain activities and locations, including fishing and the dog park, would be from sunrise to sunset. One of the bigger changes is that currently alcohol is completely prohibited from the parks and the recommendation is to allow the Trinity Arts Guild building, OnStage, the Boys Ranch Activity Center and the Senior Center to serve alcohol, such as at receptions, with the permission of the City Manager. If a group outside of the parks system wants to serve alcohol, they

Council Minutes May 14, 2013

would need permission from the City Council. In answer to questions from Council, she stated that current signs that have park hours as 7:00 a.m. to 10:00 p.m. would be changed to reflect the new hours; that there will be signage at the dog park with the hours being from sunrise to sunset; and that the prohibited activities listed under Section 86.3 does not affect the Beautification Commission.

Ms. McQuagge-Walden presented information on Item #8. This is to extend the franchise agreement with Atmos Energy, for gas services to the City, through 2027. The franchise fee remains at 5%, which was an increase from 4% in 2008. The City is a member of the Atmos Cities Steering Committee, which has approximately 154 cities as members. Per Lloyd Gosselink, an attorney with the Committee, there are no cities that have a higher rate than 5%. Further, Atmos is not open to a higher rate. She stated that because so many cities are involved, they have more clout working together and if a change is to be made, it is better to do so with Bedford's sister cities. In 2008, the City still had the option to remain at 4% and the increase in the franchise fee is a pass-through to the citizens. Payments will remain on a quarterly basis and the City collects approximately \$270,000 a year in fees. Atmos agreed to pay for any utility movements for street, water or sewer line projects. In answer to questions from Council, Ms. McQuagge-Walden and Ms. Mary Jean Moloney with Atmos Energy stated that in regards to upgrading or maintaining equipment, there are no cast iron lines within the City and that equipment is regulated by the Railroad Commission and other utility requirements. In regards to the timeframe for the agreement, it was stated that the City Attorney's office did not recommend entering into an agreement for longer than 15 years and that a shorter timeframe allows the City to renegotiate earlier.

Administrative Services Director Cliff Blackwell presented information on Item # 10. This is to contract with the law firm of Linebarger, Goggan, Blair & Sampson, LLP for the collection of delinquent court costs, fines and fees as well as the imposition of a collection fee of 30%. In December of 2009, the City entered into a contract with a different law firm based out of Round Rock. Since that time, the City has referred approximately \$7M in cases to them. There is \$5.6M outstanding and a net collection of \$1.084M, or 19.2%. The City was recently approached by Linebarger regarding switching over to them. The City currently has a relationship with Linebarger going back to 1993 for property tax collection. They have a collection rate of 60.3% in North Richland Hills, 30% in Grapevine and 38.5% in Keller. He stated that Council can make the effective date of the contract with Linebarger today's date and a notice of termination would then be sent to the other firm. The other firm is entitled to continue collection efforts on their current cases for six more months; after those six months, they would hand over all outstanding cases to the City, which would then be passed onto Linebarger. In answer to questions from Council, Mr. Blackwell stated that if a person does not handle their ticket, they are issued a warning letter, then a warrant is issued and, after 60 days, the case is forwarded to a collection agency; that Section 3.01(a) of the contract is accurate; and that the 30% collection fee is on top of the fine.

Public Works Director Tom Hoover presented information on Item #12. He stated that back in December, there was a hydraulic leak from one of Allied Waste's trucks. The City negotiated with Allied Waste for clean-up and repair of the affected streets. Several items were tried, including solvents, but they were unable to get the streets to a level that was acceptable. Allied has agreed to pay for micropaving on those streets, with a process that was used on the eastern portion of Cummings. It is not the same process that was used on Harwood Road or Bedford Road, in that it is a smaller aggregate with a smoother ride and a better adherence to the pavement. Staff met on-site with Viking Construction, who has a contract with the City of Euless. The work is guaranteed for two years. This item is specifically for a memorandum of understanding for the City to be reimbursed by Allied Waste. In answer to a question from Council, Mr. Hoover stated that it is common for there to be a two-year maintenance bond on water line and street projects.

Mr. Hoover presented information on Item #13. This is to piggyback on the City of Euless' contract with Viking Construction. The cost for microsurfacing is \$3.04 per square yard, which is higher than last year due to an increase in the price of oil. The Allied Waste portion of the microsurfacing is approximately 10,000 square yards. There are an additional three cul-de-sacs in the subdivision that were on the list to be cracksealed in the future; however, by doing the microsurfacing, this no longer has to be done. There is money for microsurfacing these cul-de-sacs in the 4B fund for residential streets. In answer to questions from Council, he stated that there were two companies that did microsurfacing, Viking

Council Minutes May 14, 2013

Construction and Ballou, who was purchased by another company and disassembled; and that microsurfacing cannot be done in the winter and that Viking will be doing this particular work between big projects.

- **Discussion regarding the Forest Ridge Drive and Bedford Road sidewalk improvements.**

Mr. Hoover presented information on the Forest Ridge Drive and Bedford Road sidewalk improvements. At the previous Council meeting, there was discussion on connecting the Boys Ranch Activity Center (BRAC), the Library and the Old Bedford School (OBS). He stated that there is a sidewalk on the east side of Forest Ridge Drive from Harwood Road to Bedford Road with a controlled crossover at Lincolnshire. There are missing segments of sidewalk on the west side of Forest Ridge and by installing the missing sections, access would be provided from the BRAC to the Library. The length of the missing sections is 1,034 linear feet. On Bedford Road, there is 717 linear feet of missing sections. The City has taken bids on a recent street project and has fairly current pricing for new sidewalks. A four-foot wide sidewalk would cost \$23 a running foot. Installation of compliant handicap ramps or barrier free access ramps would be between \$1,000 and \$1,500. Based on the pricing and distances, the Forest Ridge sidewalk would be approximately \$36,000 and the Bedford Road sidewalk would be approximately \$32,000. He stated that they have not performed detailed surveys. The cost projection for professional services, including surveying and hiring a consultant for plans and specifications, was approximately \$13,000. The total cost would be approximately \$80,000, which exceeds the current year's budget for new sidewalks.

There was discussion that having a sidewalk on the east side of Forest Ridge would encourage people to cross at mid-street instead of going to the light; combining this with the budgeted amount for next year; and looking at possibilities of other sidewalks south of Highway 183 along major thoroughfares. Council was of the consensus for staff to perform research and discuss alternatives at a future Council meeting.

Mayor Griffin adjourned the Work Session at 6:05 p.m.

EXECUTIVE SESSION

To convene before the Regular Session, if time permits, in the conference room in compliance with Section 551.001 et. Seq. Texas Government Code, to discuss the following:

- a) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Zoning for Community/Group Homes.**
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to “Project Oatmeal”.**
- c) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2 Lot 4, Bedford Lake Addition.**
- d) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – Chandra Gupta.**
- e) Pursuant to Section 551.074: personnel matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager. **This item requested by Councilmember Nolan**

Council convened into Executive Session pursuant to Texas Government Code Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Zoning for Community/Group Homes; Section 551.087, deliberation regarding economic development negotiations relative to “Project Oatmeal”; Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2 Lot 4, Bedford Lake Addition; Section 551.071, consultation with City Attorney regarding pending or contemplated litigation –

Council Minutes May 14, 2013

Chandra Gupta; and Section 551.074: personnel matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager at 6:08 p.m.

Council reconvened from Executive Session at 6:29 p.m. Council did not finish the Executive Session and will convene again at the end of the meeting.

Council convened into Executive Session at 7:20 p.m.

Council reconvened from Executive Session at 8:11 p.m. Any necessary action to be taken as a result of the Executive Session will occur during the Regular Session of the Bedford City Council Meeting.

REGULAR SESSION 6:30 P.M.

The Regular Session began at 6:36 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order. He stated that Councilmember Brown was out of town and was unable to attend tonight's meeting.

INVOCATION (Senior Pastor Nosa Onaiwu, Arise & Shine Int'l Ministries)

Senior Pastor Nosa Onaiwu of Arise & Shine Int'l Ministries gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Nobody chose to speak under tonight's Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Olsen, seconded by Councilmember Davisson, to approve the following items by consent: 4, 7, 8, 10, 11, 12 and 13.

Motion approved 6-0-0. Mayor Griffin declared the motion carried.

COUNCIL RECOGNITION

1. Proclamation recognizing the week of May 19 - 25, 2013 as Public Works Week.

Mayor Griffin read a proclamation recognizing the week of May 19 - 25, 2013 as Public Works Week. Mr. Hoover accepted the proclamation.

2. Proclamation recognizing the week of May 19 - 25, 2013 as Emergency Medical Services Week.

Mayor Griffin read a proclamation recognizing the week of May 19 - 25, 2013 as Emergency Medical Services Week. Deputy Chief Bobby Sewell, Battalion Chief Michael Ross, Firefighter/Paramedic Josh Brown and Firefighter/Paramedic Mark Mertens were on hand to accept the proclamation.

3. Proclamation recognizing the Sketch-A-School Art Contest winners.

Mayor Griffin read a proclamation recognizing the Sketch-A-School Contest winners. The following students were recognized: Camren Mobh, Lakewood Elementary – First Place; Kiera Greeley, Meadow

Council Minutes May 14, 2013

Creek Elementary – Second Place; Sebastian Cordero, West Hurst Elementary – Third Place; Alissa Patterson, Meadow Creek Elementary – Most Creative; Isaac Swan, Donna Park Elementary – Most Original; Kara Williams, Bell Manor Elementary – Honorable Mention; and Karen Gutierrez, Bell Manor Elementary – Honorable Mention.

APPROVAL OF THE MINUTES

4. Consider approval of the following City Council minutes:

a) April 23, 2013 regular meeting

This item was approved by consent.

PERSONS TO BE HEARD

This item was moved after Item #6.

5. James Trigg, 1316 Wade Drive, Bedford, Texas – Requested to speak to the Council regarding an update on the zoning violation at 604 Donna.

James Trigg, 1316 Wade Drive – Mr. Trigg discussed the permitting process and that when he first presented this issue, the owner of the property came in under the radar and did not even have a permit until Mr. Trigg contacted the City. He stated that characters of this nature are still going to be out there and hopefully the community will get behind this and report these types of things. Police and citizen patrols can go by, take down these addresses and send it over to Code Enforcement. He asked if this process would require a zoning change or a change in the zoning requirements and it was stated by Council that it would. He further asked if one of these homes comes into the neighborhood, would the neighbors be notified and if a building permit for a group home was requested, whether that would be made public. It was stated by Council that this has not yet been explored with staff but that they will take note of it. Mr. Trigg stated that he first advised Council of this issue on February 12, appeared in front of Council for the first time on February 26 and the process has taken almost three months. The owner of this property has two more properties in Grand Prairie that are one block apart. He urged Council to make this a priority and that he does not want to see another group home on the other side of him. He wants and expects the half-mile rule to be enforced.

OLD BUSINESS

6. Receive an update on the ordinance regarding Community/Group Homes.

This item was presented prior to Item #5.

Mayor Griffin presented an update on the ordinance regarding Community/Group Homes. He stated that they have looked at several different things including the permitting process and the Zoning Ordinance. Staff is working on a set of rules, permits and reporting requirements to address the location and operation of group homes in residential neighborhoods. They are proceeding on amendments to the Zoning Ordinance as well as permitting and reporting requirements. These items are being defined in two ways: community homes, which are allowed by State law, and group homes. Any future community home would require a site plan, which would go before the Planning and Zoning Commission and the City Council for approval. There would also be a half-mile distance radius. Future group homes would require a specific use permit, which would go before the Commission and Council for approval. There would be the half-mile distance radius as well; however, applicants would have the ability to appeal. Another item being worked on is putting an annual registration process in place. Current group/community homes would also be required to register. In regards to the process, staff has to complete their work and bring it to the Commission for them to make their recommendation to Council before Council can make a ruling. They are targeting bringing this to the Commission at their June meeting. One other item is they will be looking at the building permit process to ensure that as applicants come in, there are mechanisms in place to ensure the information.

NEW BUSINESS

- 7. Consider an ordinance amending Chapter 86 – Parks and Recreation of the City of Bedford Code of Ordinances by repealing it in its entirety and replacing it with a new Chapter 86 – Parks and Recreation; providing a penalty clause; providing for a severability clause; and declaring an effective date.**

This item was approved by consent.

- 8. Consider an ordinance granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to furnish, transport and supply gas to the general public in the City of Bedford, Tarrant County, Texas, for the transporting, delivery, sale, and distribution of gas in, out of, and through said municipality for all purposes; providing for the payment of a fee or charge for the use of the streets, alleys, and public ways; repealing all previous Atmos Energy gas franchise ordinances; providing that it shall be in lieu of other fees and charges, excepting ad valorem taxes; prescribing the terms, conditions, obligations and limitations under which such franchise shall be exercised; providing a most favored nations clause, and a severability clause; and providing an effective date.**

This item was approved by consent.

- 9. Consider a resolution accepting the nomination of Central Pool to be renamed the Roy Savage Pool at Central Park.**

Councilmember Turner presented information regarding this resolution. He stated it was a great privilege to bring this resolution to Council to rename Central Pool after Roy Savage. Mr. Savage has been a long-term volunteer throughout the City. He was retired by term limits after 12 years and four terms on the Council. He is still active through the Community Affairs Commission and other activities. He was much involved in the refurbishing and reopening of Central Pool in 2008. He stated that it was the privilege of the Parks and Recreation Board and the Council to name Central Pool after Mr. Savage. In the future, there will be a ceremony with the appropriate media and signage.

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve a resolution accepting the nomination of Central Pool to be renamed the Roy Savage Pool at Central Park.

Motion approved 6-0-0. Mayor Griffin declared the motion carried.

Mayor Griffin presented to Mr. Savage a certificate recognizing that Central Pool is renamed the Roy Savage Pool at Central Park.

Mr. Savage stated that he considered this an honor and thanked Councilmember Turner for bringing this idea to the Park Board. He thanked them for their vote and the entire Council for their support. He thanked his wife Katie for getting him involved and the citizens of Bedford for allowing him to serve.

- 10. Consider a resolution authorizing the City Manager to enter into a contract with the law firm of Linebarger, Goggan, Blair & Sampson, LLP for the collection of delinquent court fees, fines and the associated court costs and to allow the imposition of a 30% collection fee on same pursuant to article 103.0031 of the Texas Code of Criminal Procedure.**

This item was approved by consent.

- 11. Consider a resolution authorizing the City Manager to enter into agreements with Tech Logic for a Full Service Program Agreement, Self Checkout Software License Renewal and Extended Hardware Warranty in the amount of \$37,228.**

This item was approved by consent.

- 12. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with Republic Services, Inc. for the modified micro-surfacing project in the Country Meadows subdivision.**

This item was approved by consent.

- 13. Consider a resolution authorizing the City Manager to enter into a Contract with Viking Construction, Inc., in the amount of \$38,636 for the modified micro-surfacing project in the Country Meadows subdivision.**

This item was approved by consent.

- 14. Report on most recent meeting of the following Boards and Commissions:**

✓ **Animal Shelter Advisory Board - Councilmember Olsen**

Councilmember Olsen reported that the Board met on May 1 and some additions have been made to the manual for the volunteer program. They are currently working on a video that can be used for training. Going forward, the Shelter will have additional resources that will be appreciated by staff.

✓ **Beautification Commission – Councilmember Turner**

Councilmember Turner reported that the Commission had a very successful Clean Up Bedford Day on May 4. There were approximately 70 volunteers. They worked hard for four to five hours and were treated to pizza from Papa John's, sandwiches from Subway and lunch from Cheddar's.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter reported that the Commission had another successful event with the school safety meeting. He commended Steve Grubbs, Roy Savage and Gary Morlock and expressed his appreciation for what they do for the City.

✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan reported that the Commission met the previous night and they have a great event coming up on June 10 called Arts Talk. It will get artists within the community together to talk and communicate. It will be held at the Old Bedford School, with a reception at 6:00 p.m. and the event at 6:30 p.m.

✓ **Library Board – Councilmember Brown**

No report was given.

✓ **Parks & Recreation Board - Councilmember Davisson**

Councilmember Davisson reminded everybody about the grand opening of the Bark Park on June 1.

✓ **Senior Citizen Advisory Board - Councilmember Turner**

No report was given.

✓ **Teen Court Advisory Board - Councilmember Olsen**

Council Minutes May 14, 2013

Councilmember Olsen gave a big shout out to Council and the City Manager for attending the Scholarship Banquet. She reminded everybody that this Thursday night is Papa John's pizza night, where a portion of a one's payment goes to benefit Teen Court if they present a coupon.

15. Council member reports

Mayor Griffin reported that this Saturday is the Black and Blue Run at Pennington Field spearheaded by 6Stones. This event is to raise funds for backpacks for middle school and high school students. There will be a 1K run/walk, a 5K run and a 10k run, as well as food and music.

16. City Manager/Staff Reports

City Manager Beverly Griffith reported that the Police Department Open House will be held this Saturday from 10:00 a.m. to 2:00 p.m. It is a free event that includes equipment demonstrations, tours, hotdogs, a face painter, balloons and more. On Thursday, May 16, the musical act for Twilight Thursdays is the Rumble Kings and the featured food truck is Wayne's Flame. The next Thursday, the musical act is Havana Energy and the featured food truck is What's Cooking Chef. She reported that the Library is still taking registrations for Summer Reading Club (SRC) through May 23. The dates for SRC are June 1 through July 31. If one registers by May 23, they can be the City's guests at Bedford Splash for a summer preview party on May 24 from 5:00 p.m. to 8:00 p.m.

17. Take any action necessary as a result of the Executive Session

No action was necessary as a result of the Executive Session.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 8:11 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary